

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

By: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
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Paper 74 38

Filed: March 20, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

GENCELL S.A.

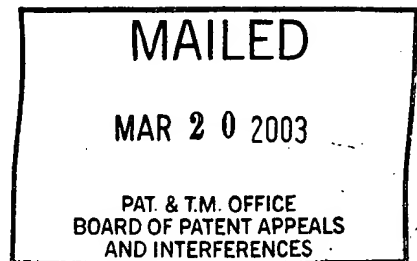
Junior Party,  
Application 08/397,225

v.

JEAN-LUC IMLER, MAJID MEHTALI  
and ANDREA PAVIRANI

Senior Party  
Application 09/218,143

Patent Interference No. 104,824 (CAS)



Before: TORCZON, SPIEGEL and LANE, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**FINAL JUDGMENT**

Junior party Gencell S.A. (Gencell) has filed a written request for "adverse judgement as to Count 1, as redefined by granted Joint Preliminary Motion 1 and the Memorandum Opinion and Order (Paper 64)" pursuant to 37 CFR § 1.662(a) (Paper 71). Accordingly, it is

**FURTHER ORDERED** that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

<sup>1</sup> Paper 61, p. 2 ("Perricaudet '225 claims 1-3, 9, 11-18, 28, 30, 35, and 40-41, as amended in accordance with attached Proposed Amendment C"); Paper 64, p. 6; Paper 66 (entering "Proposed Amendment C.")

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The opinion in support of the decision being entered today is not binding precedent of the Board.

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37  
Paper

Filed: March 6, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

IMRE KOVESDI, DOUGLAS E. BROUGH,  
DUNCAN L. MCVEY, JOSEPH T. BRUDER  
and ALENA LIZONOVA

Junior Party,  
Application 08/258,416

v.

JEAN-LUC IMLER, MAJID MEHTALI  
and ANDREA PAVIRANI

Senior Party  
Application 09/218,143

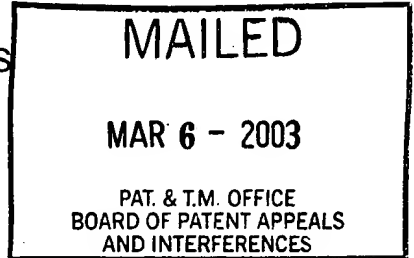
Patent Interference No. 104,822 (CAS)

Before: TORCZON, SPIEGEL and GARDNER LANE, Administrative Patent Judges.  
SPIEGEL, Administrative Patent Judge.

**FINAL JUDGMENT**

Junior party Kovesdi has filed a written "abandonment of the contest" pursuant to 37 CFR § 1.662(a) (Paper 40). Accordingly, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1, p. 5), the sole



count in the interference, is awarded against junior party IMRE KOVESDI, DOUGLAS E. BROUGH, DUNCAN L. MCVEY, JOSEPH T. BRUDER and ALENA LIZONOVA.

**FURTHER ORDERED** that junior party IMRE KOVESDI, DOUGLAS E. BROUGH, DUNCAN L. MCVEY, JOSEPH T. BRUDER and ALENA LIZONOVA is not entitled to a patent containing claims 20-21, 24-26, 52, 56-58, 68-69, 72-73, 78-79 and 84-87 (corresponding to Count 1) of application 08/258,416, filed June 10, 1994.

**FURTHER ORDERED** that a copy of this paper shall be made of record in the files of applications 08/258,416 and 09/218,143.

**FURTHER ORDERED** that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

  
RICHARD TORCZON  
Administrative Patent Judge

Carol A. Spiegel  
CAROL A. SPIEGEL  
Administrative Patent Judge

  
SALLY GARDNER LANE  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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